



TOWING OF MOTOR VEHICLES

FC No.: 1060

Date: 11-30-16

If a provision of a regulation, departmental directive, rule, or procedure conflicts with a provision of the contract, the contract prevails except where the contract provision conflicts with State law or the Police Collective Bargaining Law. (FOP Contract, Article 61)

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I. Policy

It is the policy of the department to tow vehicles in the most efficient and fair manner possible. Officers may only tow a vehicle if it is:

- 1. In violation of the law.
- 2. Presenting a hazard to the public safety.
- 3. Interfering with the flow of traffic.
- 4. When the vehicle is evidence itself, or when the vehicle may contain evidence.

Officers will not automatically tow a vehicle as a result of an arrest. The department will investigate complaints about the towing services provided on a fair and impartial basis.

II. Definitions

- A. Disabled Vehicle: A vehicle rendered inoperative as a result of collision or mechanical failure.
- B. Vehicle in Violation: A vehicle in violation of any state, county, or municipal law or ordinance.

- C. Impounded Vehicle: A vehicle which a law enforcement agency temporarily takes possession of and has removed to a police facility or private towing lot until the owner complies with requirements for its release or the vehicle is disposed of by other lawful means.
- D. Seized Vehicle: A vehicle that a law enforcement agency takes into custody and which may be subject to forfeiture proceedings.
- E. Tow Services: Tow services will be dispatched by the established rotation as outlined in the Montgomery County Towing Regulations.
- F. Police Towing Supervisor: That officer, the rank of Corporal or above, who, at the discretion of the Chief of Police, is responsible for administering and enforcing the Montgomery County Towing Regulations.

III. **Contacting Vehicle Recovery Section**

- A. Telephone Numbers
The main telephone number to Vehicle **Recovery** Section (VRS), (240) 773-6411, is automatically answered with a phone tree system. All non-police should be referred to this number.
- B. E-Mail
abandoned.vehicle@montgomerycountymd.gov
- C. Hours of Operation
The hours for taking in vehicles at VRS are Monday through Friday, 0700 to 1530 hours. *The facility is closed on county holidays.*

IV. **Officer Responsibilities**

- A. Requesting Tow Services
Officers requesting tow services will, when practical, do so via their MDC. When that is not possible, it will be done via the police radio. Requests will include the following information:
 - 1. The make, model, color, and registration
 - 2. Location of the vehicle to be towed
 - 3. Reason for towing (parking violation, collision, mechanical problem, etc.)
 - 4. Special circumstances (GVW of heavy duty vehicles, overturned, overloaded, flatbed required, etc.)
- B. Remaining on the Scene
On all police generated tows (e.g., stolen, collisions, DUIs, etc.), the officers will remain on the scene until the vehicle is removed. Exceptions to this rule are disabled vehicles and collisions where the owner/driver is present and is the requesting party and the vehicle is not on the roadway or creating a hazard.
- C. MCP 60, "Impounded Vehicle Report"
The top half of the MCP 60 will be completed for vehicles that are impounded or abandoned. The form will be turned in at the station. In instances where the vehicle is impounded for evidentiary purposes, a copy of the MCP 60 will be attached to the event report.
- D. MCP 162, "Impounded Vehicle Envelope"
Whenever a vehicle is towed to the station, the officer will complete an MCP 162, place the keys inside, and attach it to the station copy of the MCP 60.

E. Inventory Searches

If the owner/operator is not present or is incapacitated when the vehicle is towed, officers will, before the vehicle is removed from the scene, ***conduct an inventory search to locate and*** take possession of any valuable personal property that is within the vehicle. (Refer to Section ***XIV***.)

F. Owner Notification

If the owner/operator is present when the vehicle is towed, it will be the responsibility of the officer to notify the owner/operator of the location where the vehicle will be towed.

V. Towing Vehicles in Violation/Involved in Collisions/Disabled

- A. Vehicles will be towed by the next available rotating tow firm. Requests by the owner/ operator for a specific towing service may be honored with consideration given to existing traffic conditions and the time delay of the desired towing service based on a 30-minute response.

VI. Towing a Security Threat

- A. Abandoned vehicles parked on public roadways that pose a security threat (e.g., non-registered, expired registration, inoperable, obvious junk, etc.) may be towed immediately to the Vehicle Recovery Section, ***during business hours***. These direct tows do not require the officer to remain with the vehicle unless security needs dictate otherwise. To have an abandoned vehicle towed immediately from the street, officers will:

1. Place a yellow MCP234, "Abandoned Vehicle Tow Notice," on the vehicle and write the officer's name and ID # in space provided.
2. Notify ECC/district PSA that this is a direct tow to ***VRS***.
3. If five or more vehicles are towed from the same location, the officer will contact ***VRS*** prior to ordering the tow trucks.
4. No abandoned vehicles will be towed after hours or on weekends unless the vehicle poses a security threat/public safety hazard.
5. Officers will contact ***VRS*** for approval to tow abandoned vehicles for security reasons on private property. After business hours, supervisor approval is needed.

- B. Districts/units may develop a list of abandoned vehicles and fax the list to ***VRS*** at ***(240) 773-6416*** for towing.

C. Private Property

Abandoned vehicles on private property must be reported to ***VRS*** by the property owner/agent. Commercial property owners are required to pay tow service fees.

VII. Abandoned Vehicles

- A. Abandoned vehicle complaints will be referred to and handled by ***VRS***. Patrol officers may, at their discretion, handle an abandoned vehicle incident.

B. Handled by Patrol Officers

When it has been determined that a patrol officer will handle the abandoned vehicle complaint, disposition of the vehicle will be made in the following manner:

1. The officer handling the complaint will obtain a listing and stolen check. Depending on the circumstances and if a listing is available, the officer may first contact the owner, advise the owner of the complaint, and request the owner move the vehicle.

2. If unsuccessful in making contact, the officer will attach both the yellow copy of the MCP 24, "Warning Notice," and an MCP 232 (orange sticker), "Abandoned Vehicle Notice," in the vicinity of the window or door of the driver's side.
3. The name, address, and telephone numbers (home and work) of the property owner/ complainant will be entered on the white copy of the MCP 24 to assist the **VRS**.
4. A copy of the MCP 24 will be faxed to the **VRS** at **(240) 773-6416** by the end of the officer's tour of duty. Once **VRS** receives the faxed copy, they will complete the follow up on the complaint.
5. If the vehicle is on private property, the officer handling the complaint will direct the property owner/complainant to contact the **VRS** directly at **(240) 773-6411**.

C. Time Frames for Abandoned Vehicles

Abandoned vehicles that are not a safety hazard that are located:

1. On the shoulder of a controlled access highway cannot be towed until they have been there longer than 24 hours.
2. On other public roads or private property cannot be towed until they have been there longer than 48 hours.

Note: Exceptions to these are vehicles posing a security threat (refer to section VI).

- D. Officers are encouraged to have abandoned vehicles towed directly to **VRS** unless public safety requires its removal during non-business hours.

VIII. Towing Stolen Vehicles

A. Released to Owner Prior to Towing

When a vehicle is found to be stolen, the officer, for the convenience of the owner, may contact the owner and determine if the vehicle can be claimed within a short period of time at the location of discovery. This will only be done if the officer is able to stand by at the location and wait for the owner to arrive. Before releasing the vehicle to the owner, the officer will conduct an evidence search. If any evidence is recovered, it will be seized, taken to the station, and stored in accordance with department procedures (refer to FC 721, "Evidence/Recovered Property").

B. Towing

If that is not possible, the officer will call for the next available rotating tow service who will tow the vehicle directly to **VRS**, if open, or the respective district station. In those cases, where the police approved towing firm's lot is to be utilized, the tow service will be instructed to transfer the vehicle to **VRS** at the next earliest re-opening.

C. Reported as a Result of a Trespass Tow

If the stolen vehicle was reported as a result of a trespass tow and the tow firm is on the police tow list, officers will direct the police approved tow firm to tow the recovered stolen vehicle directly to **VRS**. If **VRS** is closed, the vehicle will be towed to **VRS** at the next earliest re-opening. If the trespass tow firm is not on the approved police tow list, the next available approved tow will be selected to remove the stolen vehicle. Under no circumstances will recovered stolen vehicles be left at the trespass tow firm lots if the firm is not on the police tow list. Nothing in this section prohibits officers from storing these and other impounded vehicles at the various district stations subject to evidence procedures and district regulations.

D. Isolated Locations

Officers will not direct the recovery and towing of any stolen, abandoned, impounded, or seized vehicle that has been left in any isolated location (e.g., the bottom of a quarry, deep within a wooded area) or any other location where the vehicle cannot be driven out under its own power. The recovery cost of these

vehicles will be made at the direction of the **VRS** or the Central Auto Theft Section. It will remain the responsibility of the investigating officer to notify the **VRS** and the owner of the recovery of this vehicle, write the supplement report, and cancel any stolen entry in NCIC. The responding officer will also complete the top half of the MCP 60 and place it in a location at the district station specified by the district commander.

E. Not Claimed Within 72 Hours

Vehicles that have been stored at the district stations will be transferred to **VRS** if not claimed within 72 hours. The original tow firm will be utilized to transfer the vehicle to **VRS**.

IX. Towing Vehicles for Evidential Purposes

A. Vehicles seized for evidential purposes will be towed by the next available rotating towing service to **VRS**, the district station, or other police owned locations. No vehicle will be ordered held as evidence at any location where storage fees occur. **VRS** waives storage for these vehicles on a case by case basis.

B. Placing a Vehicle on Hold

If a hold is desired on the vehicle or if there are any other instructions pertaining to disposition, notation will be made on the MCP 60 by the investigating officer. The vehicle should be transferred to **VRS** as soon as possible after the evidence processing. Vehicles will only be held at **VRS** if the vehicle is evidence or the vehicle was seized. Officers requesting that **VRS** hold a vehicle must submit a memorandum to **VRS** stating the reasons the vehicle is to be held. Examples of evidential vehicles that may be held and not released are those involving 0100, 0200, 0300, 0700, and 5300 cases, however, this list is not all-inclusive. Officers are not permitted to place a hold on a vehicle being towed to a tower's lot. All vehicles being held must be towed to a police facility.

X. Towing Vehicles Bearing Diplomatic Registration

- A. Prior to towing a vehicle bearing diplomatic registration, the officer will attempt to locate the owner or operator and solicit cooperation in moving the vehicle. If unsuccessful, the officer will:
1. Have the vehicle towed by the next available rotating towing service to the nearest legal parking space or adjacent side street and issue the appropriate parking violation.
 2. Notify the ECC of the location of the towed vehicle.
 3. Accept the tow bill from the towing service.
 4. Initiate a memorandum, via the chain of command, to the Assistant Chief, **Management Services Bureau**, detailing the facts and circumstances surrounding the incident, prior to the end of the tour of duty. The tow bill will accompany the memorandum.
 5. If the identity of the registered owner is obtained prior to the owner claiming the vehicle, the officer will notify the owner or embassy by telephone of the vehicle's location.

XI. District Commander's Responsibility

A. Designate a location in the station where MCP 60s will be placed.

B. 72 Hour Limit

Assign the responsibility of ensuring that the PSAs check the MCP 60s on a regular basis for vehicles that have been stored at the district for 72 hours. If this time limit is expired and no hold has been put on the vehicle, the PSAs will contact the original towing firm to transfer the vehicle and the MCP 60 to **VRS**.

XII. Vehicle Recovery Section Responsibility

- A. The VRS will ensure the proper removal, identification, recovery, and disposition on all impounded and abandoned vehicles throughout the county.
- B. Complaints
The VRS will accept any complaint of an abandoned vehicle on public property.
Complaints for abandoned vehicles on private property will be addressed with written consent only.
- C. Maintenance of Files
VRS will maintain all files on vehicles received at the impound lot for a period of seven years.
- D. Whenever the VRS is summoned by an officer (e.g., stolen, arson vehicles in remote/isolated areas), VRS will respond or arrange for the removal of the vehicle as soon as practical.

XIII. Tow Logs

- A. All tows in Montgomery County including police tows, private tows, and repossessions, are recorded and the information maintained in the tow logs within the CAD. ECC, MRC, and the district stations make entries into the tow logs. Individuals may contact ECC for information on their vehicles.

XIV. Inventory Searches

- A. An inventory search is conducted to identify and take possession, for safekeeping, of valuable property from a towed vehicle. Officers are required to conduct an inventory search of vehicles towed when the owner/operator is absent/incapacitated to protect *the owner, operator, or legal possessor's property while it remains in the Department's custody, and to protect the officer and the Department from claims or disputes about lost, damaged, or stolen property.*
- B. Scope of Inventory Searches
When conducting an inventory search, officers will inventory the vehicle by searching the following areas:
 - 1. *The entire interior passenger compartment.*
 - 2. *All of the vehicles interior storage compartments (i.e. glove compartment, center console, trunk) and exterior storage compartments attached to the vehicle (i.e. tool box in the bed of a pickup truck, trailer):*
 - a. *If the storage compartment is locked and can be opened without causing damage to the vehicle or the storage compartment (i.e. using a key or using a trunk release), the officer will search the storage compartment.*
 - b. *If the storage compartment is locked and cannot be opened without causing damage to the vehicle or the storage compartment, the officer will not search the storage compartment.*
 - 3. *All bags or containers (i.e. luggage, briefcase) located in the interior passenger compartment or in the vehicles interior or exterior storage compartments.*
 - a. *If the bag or container is locked and can be opened without causing damage to the bag or container (i.e. using a key or lock combination), the officer will search the bag or container.*
 - b. *If the bag or container is locked and cannot be opened without causing damage to the bag or container, the officer will not search the bag or container*

- C. *Valuable property located during the course of an inventory search will be collected, noted on the MCP 60, and stored for safekeeping according to the procedures in FC 721.*
- D. Officers will not conduct an evidence search under the guise of an inventory search. **However**, any evidence, contraband, fruits, or instrumentalities of a crime found during an inventory search may be admissible in a subsequent prosecution.
- E. Elements of an Inventory Search
The elements of a valid inventory search are:
 - 1. Lawful basis for taking custody of the vehicle,
 - 2. The inventory is non-investigative, and
 - 3. The **purpose** of the search is limited to locating valuables for storage for future protection of officers and the department, as well as the owner.

XV. Release of Vehicles from Police Custody

- A. An individual seeking the release of a vehicle must furnish proper identification and proof of ownership. Vehicles will be released only to the legitimate owner or a person authorized by the owner to assume control of the vehicle. Authorization requires a notarized statement from the owner. Proof of ownership is a valid vehicle title or current, valid registration card for vehicles displaying proper, non-temporary registration plates. Proper identification consists of a valid picture ID card issued by an authorized government agency.
- B. Prior to release of any vehicle from police custody, the conditions indicated on the MCP 60 must be satisfied. If either of these conditions include storage or towing fees, the owner must produce a receipt indicating payment.
- C. No money for private towing firms is to be accepted by station personnel for private towing firms.

XVI. Towing Service Complaint Procedures

- A. Complaints against tow operators (who responded at police request) by other tow operators or citizens will be submitted in a complaint letter by the complainant and directed to **VRS**, Police Towing Supervisor, **305** Metropolitan Grove Road, Gaithersburg, Maryland, 20878. The **VRS** telephone number for complaints is (240) 773-6411 and the fax number is (240) 773-6416.
- B. Officers with Complaints
Officers with complaints against tow operators (who responded at police request) will submit a memo or e-mail through their chain of command to the Police Towing Supervisor or the **VRS** Supervisor
- C. Investigations
All complaints received against police approved tow services will be investigated by the Police Towing Supervisor as outlined in the Montgomery County Towing Regulations.
- D. Only the Police Towing Supervisor, under the direction of the Chief of Police and the Montgomery County Towing Regulations, will suspend or remove an approved service from the rotation list.
- E. A permanent record of all complaints against tow operators will be maintained in each tow service's operations file.

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XVII. MSP Pick-Up Orders

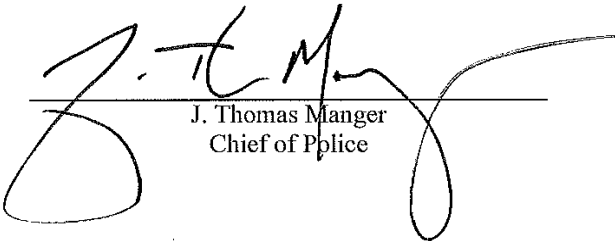
- A. Officers will not tow for MSP pick-up orders.
- B. Emissions Violations
Suspended vehicle registrations for emissions violations will be treated as a flag on the tags. The vehicle operator may be cited for driving a vehicle with suspended tags, but the vehicle will not be towed.

XVIII. CALEA Standards: 1.2.4, 61.2.2, 61.4.1, 61.4.2, 61.4.3, 84.1.1

XIX: Proponent Unit: Vehicle *Recovery* Section

XX. Cancellation

This directive cancels Function Code 1060, effective date ***04-27-05***.



J. Thomas Manger
Chief of Police